IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 674 OF 2003

IN

SUIT NO. 3210 OF 1993

Maha. State Road Trans. Corpn.. Plaintiff

versus

U-Foam Pvt Ltd .. Defendant

Mr.C.M.Lokesh i/b Hegde & Asso. for Plaintiff

None for Defendant

CORAM : D.G. KARNIK, J

DATED : 15th April 2005.

P.C:-

1. Heard learned counsel for the plaintiff. None present for the defendant. This motion is taken out by the plaintiff for setting aside of an order of dismissal passed on 8th July, 1998. Learned counsel for the plaintiff states that the plaintiff and his advocate were not aware of the order of dismissal and became aware of the order of dismissal only on 7th August, 1998. Motion has been filed on 21st February,

2003. Delay of 5 years is not explained. Endorsement on the motion shows that the affidavit in support of the motion was sworn on 23rd January, 2003 while the motion was not filed till 21st February, 2003. This delay is also not explained. In the circumstances, no ground is made out for condonation of delay. Motion is therefore dismissed.

D.G.KARNIK, J